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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,399	07/01/2003	John R. Desjarlais	5097-US-01	1891
33315	7590	11/25/2008	EXAMINER	
XENCOR 111 W. LEMON AVENUE MONROVIA, CA 91016			EMCH, GREGORY S	
ART UNIT		PAPER NUMBER		
1649				
MAIL DATE		DELIVERY MODE		
11/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p style="margin: 0;">Notice of Non-Compliant Amendment (37 CFR 1.121)</p>	Application No.	Applicant(s)	
	10/611,399	DESJARLAIS ET AL.	
	Examiner	Art Unit	
	Gregory S. Emch	1649	
<p>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</p>			
<p>The amendment document filed on <u>19 August 2008</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.</p>			
<p>THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:</p>			
<p><input type="checkbox"/> 1. Amendments to the specification:</p> <p style="margin-left: 20px;"><input type="checkbox"/> A. Amended paragraph(s) do not include markings.</p> <p style="margin-left: 20px;"><input type="checkbox"/> B. New paragraph(s) should not be underlined.</p> <p style="margin-left: 20px;"><input type="checkbox"/> C. Other _____.</p>			
<p><input type="checkbox"/> 2. Abstract:</p> <p style="margin-left: 20px;"><input type="checkbox"/> A. Not presented on a separate sheet. 37 CFR 1.72.</p> <p style="margin-left: 20px;"><input type="checkbox"/> B. Other _____.</p>			
<p><input type="checkbox"/> 3. Amendments to the drawings:</p> <p style="margin-left: 20px;"><input type="checkbox"/> A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).</p> <p style="margin-left: 20px;"><input type="checkbox"/> B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.</p> <p style="margin-left: 20px;"><input type="checkbox"/> C. Other _____.</p>			
<p><input checked="" type="checkbox"/> 4. Amendments to the claims:</p> <p style="margin-left: 20px;"><input type="checkbox"/> A. A complete listing of all of the claims is not present.</p> <p style="margin-left: 20px;"><input type="checkbox"/> B. The listing of claims does not include the text of all pending claims (including withdrawn claims)</p> <p style="margin-left: 20px;"><input type="checkbox"/> C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).</p> <p style="margin-left: 20px;"><input type="checkbox"/> D. The claims of this amendment paper have not been presented in ascending numerical order.</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> E. Other: <u>See Continuation Sheet</u>.</p>			
<p><input type="checkbox"/> 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):</p> <p>_____</p>			
<p>For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.</p>			
<p>TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:</p>			
<p>1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted.</p>			
<p>2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.</p>			
<p>Extensions of time are available under 37 CFR 1.136(a) <u>only</u> if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.</p>			
<p>Failure to timely respond to this notice will result in:</p> <p style="margin-left: 20px;">Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or</p> <p style="margin-left: 20px;">Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.</p>			
<p>/Jeffrey Stucker/ Supervisory Patent Examiner, Art Unit 1649</p>			

Continuation of 4(e) Other: The amendments to the claims are not proper since they do not comply with 37 CFR 1.121(c)(2), which states, "All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of 'currently amended,' and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived." In the instance case, the deleted text and the added text are not properly identified as compared to the last official claim listing of 26 March 2008. See for example, claims 39-42, after "TNF".